

Message Text

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TO SECSTATE WASHDC IMMEDIATE 3429

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E.O. 11652:N/A

TAGS: CPRS, PFOR, UK

SUBJECT: EXTRADITION: OSCAR F. LOUREIRO

REF: LONDON 10314

1. DPP ATTORNEY PREPARING PRESENTATION TO BOW STREET COURT HAS AMPLIFIED ADVICE GIVEN IN REFTEL. HE BELIEVES "THAT LOUREIRO WOULD BE CONSIDERED TO BE A CONVICTED PERSON IN ENGLISH LAW, AND IF THIS BE THE CASE IN AMERICAN LAW IT SEEMS THAT UNDER ARTICLE 9 OF THE TREATY IT IS ONLY NECESSARY TO PROVE THAT HE IS THE IDENTICAL PERSON CONVICTED IN AMERICA AND THAT THE OFFENCES FOR WHICH HE HAS BEEN CONVICTED ARE THE ONES IN RESPECT OF WHICH EXTRADITION COULD BE GRANTED."

2. HE EXPLAINS THAT "A CONVICTION IS PROVED IN OUR COURTS BY VIRTUE OF SECTION 14 OF THE EXTRADITION ACT 1870 WHICH PROVIDES THAT A FOREIGN CERTIFICATE OF OR A JUDICIAL DOCUMENT STATING THE FACTS OF CONVICTION MAY, IF DULY AUTHENTICATED, BE RECEIVED IN EVIDENCE".

3. HE EXPLAINS FURTHER THAT "A CERTIFICATE OR DOCUMENT OF CONVICTION IS AUTHENTICATED IF IT PURPORTS TO BE CERTIFIED BY A JUDGE, MAGISTRATE OR OFFICER OF THE FOREIGN STATE WHERE THE CONVICTION TOOK PLACE."

4. HE NOTES "THAT THE WARRANT REQUIRES LOUREIRO TO BE BROUGHT BEFORE THE COURT 'TO ANSWER TO AN INDICTMENT CHARGING HIM WITH FAILURE TO APPEAR FOR DISPOSITION'

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WHICH SUGGESTS THAT LOUREIRO WILL BE CHARGED WITH A

FURTHER SUBSTANTIVE OFFENCE. THIS REQUIRES EXPLANATION."

5. HE ACCORDINGLY ADVISES THAT THE FOLLOWING SHOULD BE OBTAINED:

"1. MR. WHITTIER, THE ASSISTANT UNITED STATES ATTORNEY

SHOULD BY AFFIDAVIT EXPLAIN, IF IT BE THE CASE, THAT LOUREIRO IS A CONVICTED PERSON IN AMERICAN LAW.

2. A WARRANT OF ARREST REQUIRING LOUREIRO TO BE BROUGHT BEFORE THE COURT FOR SENTENCE FOLLOWING HIS CONVICTION.

3. AN AUTHENTICATED CERTIFICATE OF CONVICTION ISSUED BY THE COURT AND PREFERABLY SIGNED BY JUDGE JUERGENS. THE RECORD PRODUCED BY MR. DUGAN MERELY RECORDS THAT LOUREIRO'S PLEAS OF GUILTY WERE ACCEPTED.

4. SOME IDENTIFICATION OF THE ACCUSED MUST BE PRODUCED BY A RESPONSIBLE OFFICER WHO WAS PRESENT AT THE COURT WHEN LOUREIRO PLEADED GUILTY. THIS CAN BE DONE BY SHOWING THE WITNESS THE PHOTOGRAPHS PRODUCED BY SPECIAL AGENT EGAN."

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